EXHIBIT 37

VIDEOTAPED DEPOSITION OF HERBERT RICHARD LAWSON, JUNIOR
CONDUCTED ON FRIDAY, MAY 28, 2010

1 (Pages 1 to 4)

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1        UNITED STATES DISTRICT COURT
2      FOR THE EASTERN DISTRICT OF VIRGINIA
3           Richmond Division
4    --------------------------------x
5    ePLUS, iNC.,              )
6             Plaintiff,  )
7      v.                )  Civil Action No.
8    LAWSON SOFTWARE, INC.,        )  3:09-cv-620(REP)
9             Defendant.  )
10   --------------------------------x
11
12   VIDEOTAPED DEPOSITION OF LAWSON SOFTWARE, INC.
13    By and Through Its Corporate Designee
14    HERBERT RICHARD LAWSON, JUNIOR
15           Washington, DC
16         Friday, May 28, 2010
17            12:32 p.m.
18
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20   Job No.:  1-180035
21   Pages 1 - 84
22   Reported By:  Joan V. Cain
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1     Videotaped Deposition of LAWSON SOFTWARE,
2    INC., By and Through Its Corporate Designee, HERBERT
3    RICHARD LAWSON, JUNIOR, held at the law offices of:
4
5        GOODWIN PROCTER, LLP
6        901 New York Avenue, Northwest
7        Washington, DC 20001
8        (202) 346-4000
9
10      Pursuant to Notice, before Joan V. Cain,
11   Certified Court Reporter and Notary Public in and
12   for the District of Columbia.
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1        A P P E A R A N C E S
2
3    ON BEHALF OF PLAINTIFF:
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9    AND
10     MICHAEL G. STRAPP, ESQUIRE
11     JAMES D. CLEMENTS, ESQUIRE
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1    A P P E A R A N C E S   C O N T I N U E D
2
3    ON BEHALF OF DEFENDANT:
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5      MERCHANT & GOULD
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9      Telephone:  (612) 332-5300
10
11   ALSO PRESENT:
12     Akim Graham, Videographer
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4 (Pages 13 to 16)

13

1 and forward.
2 BY MR. STRAPP:
3   Q   Okay. So based on your counsel's
4 explanation, do you understand that you're here as
5 Lawson's corporate representative to testify about
6 versions prior to Lawson 6.0?
7   A   Yes.
8   Q   And specifically are you here today to
9 testify as Lawson's corporate representative with
10 respect to topics 4 and topic 6 as they concern
11 Lawson 6.0 -- excuse me -- as they concern Lawson
12 Software release 5.0?
13   A   Yes.
14   MR. SCHULTZ: Just to clarify for the
15 record also, as we had previously discussed, that
16 there may be some crossover between 5.0 and 6.0 and
17 Mr. Lawson is here to testify as to that crossover
18 between the two as well.
19   MR. STRAPP: I'm not certain what that
20 means, but we'll explore it today.
21 BY MR. STRAPP:
22   Q   Mr. Lawson, what did you do to prepare for

14

1 your deposition today?
2   A   I met with representatives from the law
3 firm about 3 weeks ago to see the details of the
4 salient points in the lawsuit, and I talked to
5 various people at the -- in the development team
6 that'd be responsible for the releases.
7   Q   And when you say for the releases, which
8 releases are you referring to?
9   A   People that knew -- that understood release
10 4, 5, and 6 process of our software and, of course,
11 later versions too.
12   Q   And who at Lawson did you speak to that was
13 responsible for releases 4, 5, and 6 of Lawson
14 Software?
15   A   He wasn't responsible for 4 or 5. He was
16 responsible for 6, but he knew 4 and 5 as part of
17 that responsibility. Todd Dooner.
18   Q   Did you speak with anyone else besides Todd
19 Dooner at Lawson regarding versions 4, 5, or 6 of
20 Lawson Software?
21   A   No.
22   Q   Were there any attorneys present when you

15

1 spoke with Mr. Dooner?
2   A   Yes.
3   Q   Which attorneys were present at that
4 meeting?
5   A   Will was on that meeting.
6   Q   And was your conversation with Mr. Dooner
7 in person or over the phone?
8   A   Over the phone.
9   Q   Do you believe that you're the person at
10 Lawson most knowledgeable about topics 4 and 6 as
11 they concern Lawson Software releases prior to
12 release 6.0?
13   A   I believe I am a person that is
14 knowledgeable. There's certainly a lot of other
15 people at Lawson Software who are very knowledgeable
16 in this area also.
17   Q   Is there anyone else at Lawson Software
18 that you would believe sitting here today that's
19 more knowledgeable than you about versions of Lawson
20 Software prior to 6.0?
21   A   That -- that would really be hard for me to
22 say. Those are long-time-ago versions, and it's

16

1 people that worked at Lawson for that length of time
2 as -- they're big systems. A lot of people would be
3 responsible for them, so it depends on the
4 questions.
5   Q   Okay. Let me ask you sitting here today,
6 since it was a long time ago, what's your
7 recollection about the date of release of Lawson
8 Software version 5.0?
9   A   5.0, around the 1990.
10   Q   1990, any particular month within 1990 that
11 you can recall?
12   A   No.
13   Q   But are -- are you certain sitting here
14 today that it was in the year 1990?
15   A   Yes.
16   Q   And what's your recollection based upon
17 that it was released 20 years, that version?
18   A   Doc- -- documentations that have dates on
19 them.
20   Q   Can you specify me -- for me the particular
21 documents that you reviewed that refreshed your
22 recollection that Lawson Software release 5.0 was

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6 (Pages 21 to 24)

21

1 very -- at a very bullet-point level between 5.0 and
2 6.0.
3   Q   Do you recall what the date was on that
4 document?
5   A   Just saw it, but I can't tell you the date.
6 I don't remember, in terms of the month.
7   Q   What was your personal involvement in the
8 development of Lawson 5.0?
9   A   My personal involvement almost of all
10 releases at Lawson Software has been in the
11 technology area of those releases, the -- the
12 toolset we use, the coding methods we use, the
13 testing methods we use.
14   Q   What was your position at Lawson Software
15 back in 1990, when version 5.0 was released?
16   A   Well, I'm a founder and an owner, so that's
17 a -- that's a position, but basically I was in
18 development, technology development.
19   Q   Did you have a title at the time besides
20 founder and owner?
21   A   We didn't use titles too much, but I guess
22 by today's standards it'd be chief technology

22

1 officer.
2   Q   Okay. So you were the individual at Lawson
3 Software who had overall responsibility for the
4 technology aspects of the Lawson Software 5.0
5 release?
6   A   Yes. On -- on a certain platform ma- -- of
7 machine.
8   Q   And what do you mean by that? What kind of
9 platform?
10   A   We had two platforms back in those days.
11 We had Burroughs.
12   Q   Burroughs?
13   A   Burroughs. It's a company that you haven't
14 heard for a while, but Burroughs, and we had the
15 AS -- well, what was called the system 38, which was
16 IBM.
17   Q   And you had responsibility for one of those
18 two platforms?
19   A   Yes.
20   Q   Which -- which platform?
21   A   The -- the Burroughs.
22   Q   Burroughs, okay. And who -- who at Lawson

23

1 was responsible for the overall technology of the
2 5.0 release for the IBM platform?
3   A   From a technology point of view, it was the
4 other founder, John Cerullo.
5   Q   What were the -- were -- were there any
6 upgrades to the features and functionality of Lawson
7 Software 5.0 as compared to Lawson Software 4.0?
8   A   Oh, I'm sure there were.
9   Q   Can you recall any sitting here today?
10   A   No. It's the same -- all releases have
11 changes to them. That's why they're -- they're
12 called releases, so that generically speaking there
13 are changes.
14   Q   Right.
15   A   A lot of times the changes are new
16 functionality. Sometimes the changes are new ways
17 of accessing the current functionality, but in all
18 cases of 4.0, 5.0, and 6.0, the database structure
19 was essentially the same.
20   Q   What was the database structure that you're
21 referring to that was similar in 4.0, 5.0, and 6.0
22 at a high level?

24

1   A   The same tables, if that's the terminology
2 you use here, same files -- we used to call them
3 files in the old days. Once you get into SQL
4 databases they're called tables. So we're talking
5 about master file tables, transaction tables, the
6 linkage between the tables are the same.
7   Q   In preparing for your deposition here
8 today, did you review any documents regarding the
9 database structure for versions 4.0, 5.0, or 6.0?
10   A   Yes.
11   Q   What documents did you review?
12   A   Don't know the names of them. Just they
13 were technical documents showing the -- the tables
14 of the dat- -- of the database.
15   Q   And were they specific to a particular
16 release version that you can recall?
17   A   I don't recall, but -- but it had to be
18 they were -- they were -- whatever release version
19 they were, that's what I saw was those tables and
20 those releases.
21   Q   Prior to the initial public offering of
22 Lawson Software stock, did you have a formal title

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7 (Pages 25 to 28)

25

1 at the company at any point in time besides founder
2 or owner?
3   A   I was CEO at one time.
4   Q   COO?
5   A   CEO.
6   Q   CEO. And that was -- when were -- when did
7 you first become CEO of Lawson Software?
8   A   Oh, boy. I was CEO when I first started,
9 seventy -- 1975 to about 1980 and then I was CEO
10 again from about oh, 1998 to 19 -- yeah, 1998 to
11 2002, approximately in there, very rough dates.
12   Q   Who was the CEO of Lawson Software between
13 1980 and 1998?
14   A   Ken Holec.
15   Q   During that entire period of time?
16   A   I'd really have to check dates to make --
17 to be absolutely accurate.
18   Q   Okay. And what was your role at Lawson
19 Software, your formal title between 1980 and 1998?
20   A   Again, I -- I didn't really have formal
21 titles except for head of development, technology
22 development.

26

1   Q   You mentioned that you were the primary
2 person responsible for the development of Lawson 5.0
3 with respect to the Burroughs platform; is that
4 correct?
5   A   Burroughs and -- if you really want to get
6 technical here, okay. The Burroughs platform was
7 also the platform we used for the IBM mainframe,
8 same platform, and also for the UNIX or what was
9 called open systems platform. That whole side was
10 basically the same platform, and I was responsible
11 for all of them.
12   Q   What was the overall purpose of Lawson 5.0
13 software? What was it intended to allow a customer
14 to do?
15   A   5.0?
16   Q   (Nodding.)
17   A   All of our software?
18   Q   Well, let's focus on 5.0. When we talk
19 about Lawson 5.0, are we talking about a release
20 version that applies to all different Lawson
21 Software products? Is that how the versioning
22 system worked at Lawson?

27

1   A   Yes. At that time, yes.
2   Q   Okay. So when we talk about Lawson
3 Software 5.0, we're talking about Lawson Software
4 5.0 as it applies to every Lawson Software product
5 that was available in 1990?
6   A   Yes.
7   Q   And what Lawson Software products were
8 available in 1990?
9   A   General ledger, accounts payable, accounts
10 receivable, purchase order, requisitioning,
11 inventory, human resources. I'm probably -- I'm
12 probably missing a couple, but order entry.
13   Q   What was the first version of Lawson
14 Software that included a purchase order product?
15   A   I -- I -- I couldn't give you a date now
16 with any certainty.
17   Q   What was the first version of Lawson
18 Software that included a requisitions product?
19   A   I couldn't give you that with any certainty
20 right now. I can tell you approximate years, but I
21 can't tell you the exact year.
22   Q   What was the first version of Lawson

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1 Software that included an inventory product?
2   A   Again, I can't give you the exact year.
3   Q   If -- and how -- how is it then that you
4 can recall sitting here today that purchase order
5 product, the requisitions product, and the inventory
6 product were all available in Lawson Software 5.0
7 released in 1990?
8   A   I saw the documentation and remember 1990
9 more than I do '85.
10   Q   Okay.
11   A   Okay.
12   Q   What documentation did you see that
13 refreshed your recollection that the purchase order
14 product, the inventory product, and the requisitions
15 product were available in 1990 in the 5.0 release of
16 Lawson Software?
17   A   I saw a description of our database, the
18 database layout.
19   Q   Can you describe for me in a little bit
20 more detail what this database description included?
21   A   It includes all the -- all the tables, all
22 the files, all the indexes, all the fields, and the

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8 (Pages 29 to 32)

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1 relationship from one file to the other file.
2   Q   Is this in a spreadsheet format or is this
3 in a text document?
4   A   It's in a text document.
5   Q   And what's the title of the document if you
6 can recall?
7   A   I don't recall the title.
8   Q   What's the date of the document?
9   A   Date I looked at today, I'm not sure.
10 1992. I don't remember.
11   Q   Okay. If -- if the document was dated
12 1992, how is it that sitting here today you know
13 that purchase order requisitions and inventory were
14 available 2 years prior to the date the document was
15 created?
16   A   The 1987 date for 4.0 you're talking about?
17   Q   I'm talking about -- let me back up for a
18 minute. You testified that Lawson Software release
19 5.0 was released in 1990, correct?
20   A   No. I said 19 -- oh, for 5.0, yes.
21   Q   And you also testified that Lawson Software
22 release 5.0 included the inventory, requisitions,

30

1 and purchase order products, correct?
2   A   Yes.
3   Q   So is it your testimony that Lawson
4 Software sold the requisition product, for example,
5 in 1990?
6   A   Yes.
7   Q   And is it your testimony that you recall
8 that that was available in 1990 because you reviewed
9 a database document?
10   A   Yes.
11   Q   And is it also your testimony that that
12 database document was dated 1992?
13   A   It very well could have been printed out in
14 1992. It's an electronic document that's in a
15 computer that when it gets printed out it ends up
16 with a current date on it, so yes.
17   Q   Okay. My question is, how do you know that
18 the requisitions product was available in 1990 if
19 you can't -- if you don't know for certain when the
20 document that you looked at describing the database
21 was made available or created?
22   A   I -- I and other people were around at the

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1 time and that's the recollection everybody has that
2 it came out. There was other documents, too, which
3 I did not review but other people told me.
4   Q   Okay. Who else at Lawson has a specific
5 recollection that the requisitions product was
6 available in 1990?
7   A   I think Todd Dooner does and several other
8 people.
9   Q   Anyone else you can remember sitting here
10 today?
11   A   No.
12   Q   Were there any other products that you can
13 recall sitting here today besides the ones you've
14 already mentioned that were available in Lawson --
15 that were sold as part of Lawson Software in release
16 5.0 version?
17   A   All of our products were sold as 5.0.
18   Q   Okay. And you listed for me several of
19 those products --
20   A   Yes.
21   Q   -- including the ones we've already talked
22 about. I'm just asking if there's any more that you

32

1 haven't mentioned yet but that you -- you can recall
2 sitting here today?
3   A   There may or may not be. I don't know.
4 Those are the main ones we sell -- oh, fixed assets
5 I didn't mention. We have a lot of modules in our
6 financials, a lot of modules in our HR system, a lot
7 of modules in our purchasing and inventory systems.
8   Q   When did Lawson first sell its inventory
9 product?
10   A   I can't tell you the exact date, but I'm
11 going to tell you it's probably about 1983 or '84.
12   Q   And when did Lawson first sell its
13 requisitions product?
14   A   I can't give you the exact date, but
15 sometime in the 1980s.
16   Q   And when did Lawson first sell its
17 inventory product?
18   A   Any reason you're backing up?
19   Q   Thank you for pointing that out. When did
20 Lawson first sell its purchase order product?
21   A   Again, about the time we sold requisition,
22 whatever time that was. We sold --

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9 (Pages 33 to 36)

33

1   Q   You're not certain about the exact date.
2   You have a --
3   **A   No. I -- I honestly did not go back to --**
4   **to look at the exact first date of our first release**
5   **of those products.**
6   Q   So sitting here today, you're not able as
7   Lawson's corporate representative to provide me with
8   a date on which Lawson first sold its requisitions
9   product?
10   **A   No, I'm not.**
11   Q   When did you step down -- I think I already
12 asked you this, but I think you mentioned that you
13 stepped down as the CEO of Lawson in 2002; is that
14 correct?
15   **A   Let me see. No. I stepped down from the**
16 **CEO of Lawson in about 1980.**
17   Q   Okay, sorry. I'm not trying to trick --
18 I'm not trying to ask you a trick question.
19   **A   I'm kind of -- anyway.**
20   Q   Okay. So and then you resumed that role in
21 1998?
22   **A   I resumed that role in 1998.**

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1   Q   And you -- and then when -- subsequent to
2   1998 when did you leave the CEO post?
3   **A   I left the CEO post when we went public.**
4   Q   Okay. And when did Lawson go public?
5   **A   I'm sorry. Right before we went public,**
6   **but it was -- we went public in 2001.**
7   Q   Why did Lawson Software decide to go public
8   in 2001?
9   **A   It was a good window.**
10   MR. SCHULTZ: Before you answer the
11 question, we've talked -- just for the record, we've
12 talked before that this is a deposition that covers
13 the categories 4 and 6 but also personal deposition.
14 Are you planning on separating those categories out?
15 Because this is outside of the scope of -- of 4 and
16 6 here?
17   MR. STRAPP: I think that I may or I may
18 not, and feel free to object to the extent that it's
19 beyond the scope, and if it is, we recognize that
20 Mr. Lawson will be testifying in his individual
21 capacity to those portions of the deposition
22 questions.

35

1   MR. SCHULTZ: Right, okay. So -- so for
2   any of the topics that don't deal with 4 and 6, I
3   would object that that is not in Mr. Lawson's
4   corporate capacity, but is in his personal capacity,
5   if we could just proceed on that -- on that
6   objection grounds.
7   MR. STRAPP: That's fair.
8   BY MR. STRAPP:
9   Q   So you were going to explain for me why
10 Lawson went public in 2001.
11   **A   Because basically a window opened up that**
12 **the financial institutions said it was a time that**
13 **we could make it. We were wanting to go public**
14 **about a year earlier, but with a lot of economic**
15 **meltdown and things going on, there was never a**
16 **window, but there was a window in 2001.**
17   Q   And why did you step down as the CEO of
18 Lawson prior to Lawson going public?
19   **A   Because I wanted to. I mean, I -- I did**
20 **not -- I did not want to run a public company as a**
21 **CEO. My forte is in technology and in development.**
22 **It is not in the CEO position of a company,**

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1   **especially one that's public.**
2   Q   Did you sell any shares in Lawson Software
3   after the company had its initial public offering?
4   **A   After?**
5   Q   Yeah.
6   **A   Like?**
7   Q   Like immediately subsequent, within, let's
8   say, the year 2001.
9   **A   No.**
10   Q   When was the first time that you sold
11 shares in Lawson Software after the IPO?
12   MR. SCHULTZ: Objection, relevance.
13   THE WITNESS: I really don't understand the
14 reason for the question. I'm happy to answer it.
15 It doesn't bother me, but it was probably a year,
16 year and a half later. I did not take advantage, if
17 that's what you're trying to get at is, of a -- of a
18 stock hit or a stock increase in the first 3 months
19 of going public. In fact, I tied my shares up.
20 BY MR. STRAPP:
21   Q   Do you still own shares of Lawson Software?
22   **A   I sure do.**

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10 (Pages 37 to 40)

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1 Q   Do you know approximately how many shares
2 you still own?
3 **A   Well, now you're getting into family**
4 **foundations and things so --**
5 Q   Is that information that's available in
6 public filings with SEC?
7 **A   Probably, yes, so you can find them there.**
8 Q   Is it accurate to state that you own
9 approximately 8 million shares of Lawson Software?
10 **A   It's accurate to say between 8 and 9**
11 **million between myself and some foundations.**
12 Q   Okay. I want to ask you a few questions
13 going back to Lawson 5.0. Have you ever heard of
14 the concept of an Item Master?
15 **A   Yes.**
16 Q   What do you understand an Item Master to
17 be?
18 **A   It's a master file that is a basic list of**
19 **all the items you have in your inventory.**
20 Q   And how is an Item Master used in
21 procurement software, typically?
22 **A   An Item Master is used in procurement**

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1 **software to know what items you have that you want**
2 **to procure.**
3   **(Lawson Deposition Exhibit 2 was**
4 **marked for identification and was attached to the**
5 **deposition transcript.)**
6 **BY MR. STRAPP:**
7 Q   The court reporter's now handed you what's
8 been marked as Lawson Exhibit 2. It's a document
9 entitled "Summary of 5.0 and 6.0 Differences - IC,
10 PO & RQ."
11 **A   Mm-hmm.**
12 Q   Do you have that document in front of you
13 now, Mr. Lawson?
14 **A   Yes, I do.**
15 Q   Do you recognize this document?
16 **A   Yes.**
17 Q   What is it?
18 **A   It's a summary of 5.0 and 6.0 differences,**
19 **IC, PO, and RQ.**
20 Q   And do you understand 5.0 and 6.0
21 differences to refer to Lawson Software release 5.0
22 and Lawson Software release 6.0?

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1 **A   Yes.**
2 Q   And is it your understanding that IC refers
3 to inventory control?
4 **A   Yes.**
5 Q   Is it your understanding that PO refers to
6 purchase order?
7 **A   Yes.**
8 Q   And is it your understanding that RQ refers
9 to requisitions?
10 **A   Yes.**
11 Q   And are those three of the products that
12 Lawson offered in its software release version 6.0?
13 **A   It's the differences between what we**
14 **offered in 5.0 and 6.0.**
15 Q   Were all three of these products offered by
16 Lawson as -- both as part of Lawson Software 5.0 and
17 as part of Lawson 6 -- 6.0?
18 **A   Yes. Yes.**
19 Q   Could you turn to the -- let me ask you
20 another question. Do you know who prepared this
21 document?
22 **A   No, I do not.**

40

1 Q   Is this the type of document that would
2 have -- based on your review of the document and
3 familiarity with it, is this a document that would
4 have been released outside of Lawson, or would this
5 be an internal document to Lawson?
6 **A   I would speculate it's an internal**
7 **document.**
8 Q   And what would lead you to the conclusion
9 or to the opinion that it's an internal document?
10 **A   Because it's just a summary type of**
11 **differences that somebody probably asked for.**
12 Q   So this doesn't appear to you to be a
13 document that you would release to Lawson customers?
14 **A   Does not look that way.**
15 Q   Okay. And do you know whether similar
16 documents were created each -- by Lawson each time a
17 new software version was released?
18 **A   No.**
19 Q   Have you ever been seen any documents like
20 this one describing differences between other
21 versions of Lawson Software?
22 **A   I'm sure I have, and do I recall anything**

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11 (Pages 41 to 44)

41

1   specific? No.
2   Q   Could you turn to page -- the last page of
3   the document. Do you see the document is dated --
4   this last page has a date on it January 27th, 1995?
5   A   Yes.
6   Q   Was -- was it -- was it your testimony
7   earlier today that Lawson 6.0 was released in 1992?
8   A   Yes.
9   Q   Do you have an understanding as to why
10   someone would have created an outline of differences
11   between versions 5.0 and 6.0 3 years after version
12   6.0 was released?
13   A   I could only speculate, but, no, I would
14   have no idea.
15   Q   Okay. What's your understanding of what
16   this outline refers to, this final page, which is
17   Bates numbered L 17236?
18   A   Just bullet points of areas that were
19   changed or features that were added or changed.
20   Q   Is it fair to say that this document lists
21   categories or products and then has itemized numbers
22   of changes with respect to each of those categories

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1   or products?
2   A   I'm not sure I would use the word "itemized
3   changes." I would say whoever made this document
4   chose to highlight these.
5   Q   And is it your understanding that the
6   numbered items under each product or category are a
7   list of highlighted changes between version 5.0 and
8   6.0?
9   A   That's what I assume the documents for,
10   yes.
11   Q   Okay. Do you see the heading inventory
12   control?
13   A   Yes.
14   Q   Does that refer to the inventory control
15   product that was available in both versions 5.0 and
16   6.0?
17   A   Yes.
18   Q   And do numbers 1 through 8 refer to
19   highlighted differences between versions 5.0 and
20   6.0?
21   A   I assume they do, based on looking at the
22   detailed summary.

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1   Q   And is it your understanding reviewing this
2   list as you sit here today that each of the numbered
3   items is an area or a particular feature of version
4   6.0 that was not available in version 5.0?
5   A   No.
6   Q   So tell me what it is you understand this
7   list to describe.
8   A   It would describe areas of 5.0 that were
9   changed in some fashion.
10   Q   Okay.
11   A   They were available in 5.0, but they were
12   changed to operate different or have different
13   features or extended features in 6.0.
14   Q   All right. So what were the differences in
15   features for the Item Master between the version 6.0
16   of the software and the version 5.0 of the software?
17   A   I couldn't give you all of them, but
18   certainly new fields were added. You have to go
19   back to the summary there to get even a feel for it,
20   and I have a feeling this list may or may not be
21   complete. It's the highlighted things, the
22   highlighted differences.

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1   Q   Well, let's look back at that -- let's look
2   back at that page before. Do you see there's a
3   category requisitions on page 6, Bates No. L 17235?
4   A   Yes.
5   Q   And do you see here under requisitions
6   there's a description about differences between
7   version 5.0 and version 6.0 of the requisitions
8   product?
9   A   Yes.
10   Q   And do you see that the document
11   states, "There are two big differences in the
12   requisition system. First, you cannot turn
13   requisitions for inventory items into purchase
14   orders; and, second, there's no speed PO created"?
15   A   Yes.
16   Q   And isn't it correct that in version 5.0 of
17   Lawson Software release for the requisitions product
18   there was not a feature available to turn
19   requisitions for inventory items into purchase
20   orders?
21   A   That's what it says here, what it implies
22   here, but I -- I cannot answer that one way or the

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VIDEOTAPED DEPOSITION OF HERBERT RICHARD LAWSON, JUNIOR
CONDUCTED ON FRIDAY, MAY 28, 2010

12 (Pages 45 to 48)

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1 other. I'd have to check.
2   Q   Sitting here today are you aware -- are you
3 aware one way or another of any particular features
4 that were available in Lawson Software five -- that
5 were not available in Lawson Software 5.0 but were
6 available in Lawson Software 6.0?
7   A   Well, I -- I could only read what's here
8 like you do.
9   Q   Okay. So you don't have any specific
10 memory sitting here today of the changes in features
11 that were made to a product that was released 18
12 years ago from a product that was released 20 years
13 ago?
14   A   Me? No.
15   Q   It's hard enough to remember what happened
16 18 days ago, right?
17   A   Well, you know, that's the way it goes,
18 yeah.
19   Q   Isn't it true that Lawson Software 5.0 did
20 not have the capability of automatically loading the
21 vendor catalogs into the Lawson inventory control
22 product?

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1   A   We never had the -- we don't load vendor
2 catalogs.
3   Q   So there's no -- there was no capability to
4 load vendor catalogs into the Lawson system?
5   A   There was -- there's also a capability of
6 loading Item Master records or populate any tables
7 we have into our system. They are standard database
8 systems and you can create batch input files and
9 load them to your heart's content.
10   Q   All right. I'm talking about vendor
11 catalogs here.
12   A   We -- an Item Master is not a vendor
13 catalog.
14   Q   In the current version of Lawson -- well,
15 let me back up.
16   Are you familiar with a feature of the
17 Lawson system that allows a user to automatically
18 load vendor item information into the Lawson system?
19   A   Vendor item information? That would be the
20 Item Master. We do not load catalogs. We load data
21 into the Item Master files, which includes some
22 vendor item information, but includes much more than

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1 that. And if you're talking about the latest
2 products, I haven't kept up with the latest
3 products.
4   Q   Okay. So -- well -- so it's your testimony
5 then that version 5.0 of Lawson Software release did
6 not include the capability to automatically load
7 vendor catalogs into the Lawson system, correct?
8   A   The way you state, that's correct.
9   Q   It's also your testimony that version 6.0
10 of Lawson Software release did not include the
11 capability to automatically load vendor catalogs
12 into the Lawson system, correct?
13   A   The way you're stating that, that's
14 correct.
15   Q   I've seen Lawson introduced software
16 releases sometimes with a decimal. You know, it'll
17 be 6.0 and then there'll be a 6.0.1, for example.
18 Can you describe for me how that numbering system
19 was developed and how it works at Lawson Software?
20   A   You go from a 6 to a 5 left of the decimal
21 point, that's usually a major system release.
22 Anything below that is usually fixes for bugs, minor

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1 fixes for all sorts of things. So that's --
2 anything below a 5 is not a major -- anything below
3 -- after the decimal point denotes a nonmajor
4 release.
5   Q   And is there a particular person at Lawson
6 that's responsible for deciding whether a change or
7 changes rise to the level of a new version?
8   A   Yes.
9   Q   And would -- would that person have been
10 you with respect to Lawson Software release 5.0?
11   A   No.
12   Q   Who would that have been?
13   A   It would have been the develop- -- person
14 doing the development of the applications.
15   Q   And who -- who was that person with respect
16 to 5.0?
17   A   He worked for -- he worked for my brother
18 at that time. I was in the technology area.
19   Q   Okay.
20   A   Not the application area.
21   Q   And your brother was in the application
22 area?

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1   A   Yes.
2   Q   What's your brother's name?
3   A   Bill Lawson, William Lawson.
4   Q   And do you recall what the name of the
5   individual was who worked for your brother?
6   A   No. No.
7   Q   So it was an individual in the application
8   area who was responsible for deciding on the
9   versioning number to be attached to particular
10 changes?
11 A   I doubt if you'd call it an individual. It
12 was a group --
13 Q   Group?
14 A   It was a group of people. Maybe it was
15 consensus as to what our next release date is and
16 what we're going to try to release in it.
17 Q   How many -- to the best of your knowledge,
18 how many employees currently employed by Lawson
19 Software today were employed by Lawson Software back
20 when version 5.0 was released?
21 A   In terms of percentage?
22 Q   In terms of absolute numbers. Is there

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1   over ten people that are still around?
2   A   Oh, yeah. Yeah. Quite a few. Quite a
3   few. But, yeah, I -- I could not give you a number.
4   Q   But more than ten?
5   A   Mm-hmm.
6   Q   More than 20 you think?
7   A   In terms of the entire company?
8   Q   Yes.
9   A   Oh, yeah. If you're going into
10 salespeople, support people, and so forth,
11 certainly.
12 Q   Was there a -- was there a company -- was
13 there a schedule kept by the company about -- was
14 there -- let me back up for a minute. Was there a
15 time line that the company tried to adhere to in
16 releasing new versions of the software?
17 A   No. I mean, it was depending upon -- first
18 -- first of all, if you get into lower levels of
19 numbers, it depends on number of bugs or adjustments
20 that have to be made to the software. When you're
21 talking about whether it goes from major release to
22 the next major release depended upon market

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1   conditions and -- and -- of the software and then we
2   decided a new release was -- was warranted. You can
3   look back and see it was probably every 2 or 3
4   years, but that's historically looking.
5   Q   Did the Lawson 5.0 version, the
6   requisitions product that was sold as part of Lawson
7   5.0, include the feature of allowing a user to add a
8   requisition based on the results of a search for a
9   particular selected matching item?
10 A   A person on -- on a requisition could --
11 you're saying could he select a vendor basically?
12 Q   I'm saying could he go into some sort of
13 search screen where he could search for a particular
14 item within a list of items, find that item, and
15 then create an -- an automatic requisition based on
16 the result of his search?
17 A   I'm -- I'm not sure I understand the
18 question. If you're actually creating a
19 requisition, you can actually select items you want
20 on the requisition.
21 Q   Right. And was there any means for
22 searching for items rather than selecting an already

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1   known item to the user?
2   A   For searching an item?
3   Q   Let's say a user wanted to search -- for
4   example, say a user was at a healthcare company and
5   they wanted to search for syringes, and they wanted
6   to create a requisition for particular types of
7   syringes based on the list that came up. What kind
8   of functionality did Lawson 5.0 include for
9   searching for syringes?
10 A   You could search anything in the Item
11 Master file by its number or by its name.
12 Q   And did you have to already know the name
13 or the number item where to find a particular --
14 A   Not the name. If you -- if you were
15 looking for a description, you could type it into
16 description.
17 Q   Were there user manuals that existed for
18 the requisitions product that was sold with Lawson
19 Software 5.0?
20 A   Yes.
21 Q   And do those user -- do those user manuals
22 describe the different functionalities that are

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1   available for 5.0?
2   **A   Yes.**
3   Q   And what do those -- what do those user
4   manuals describe about the search functionality
5   for --
6   **A   I couldn't answer that right now because I**
7   **haven't looked at the users manuals lately.**
8   Q   So sitting here today, you can't recall the
9   specific features and functionality that were
10   available for the requisitions product in a version
11   released 20 years ago. Is that a fair statement?
12   **A   In terms of -- that's a fair statement.**
13   MR. STRAPP: We've been going for about an
14   hour. Do you want to take a break here?
15   MR. SCHULTZ: That'd be fine.
16   THE VIDEOGRAPHER: Going off the record.
17   The time is 1:27 p.m.
18   (Recess.)
19   THE VIDEOGRAPHER: Back on the record. The
20   time is 1:42 p.m.
21   (Lawson Deposition Exhibit 3 was
22   marked for identification and was attached to the

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1   deposition transcript.)
2   BY MR. STRAPP:
3   Q   The court reporter has just handed you
4   what's been marked as Exhibit -- Lawson Exhibit 3.
5   This is a document entitled Defendant Lawson
6   Software Supplemental Responses to Plaintiff ePlus's
7   Interrogatories, Nos. 4, 5, 6, 8, 10, 12, 14, 16,
8   and 17. It's a very long, multipage document,
9   Mr. Lawson, but I don't want to ask you about the
10   whole document. I want to ask you about a
11   particular portion of the document.
12   First, let me ask you, are you familiar
13   with a document called -- are you familiar with this
14   document?
15   **A   I may have seen it once, but I am not**
16   **familiar with it.**
17   Q   Okay. I'll represent to you that this is
18   Lawson Software's written discovery responses to
19   interrogatories posed to it by ePlus in the course
20   of the ongoing litigation between the companies.
21   **A   Okay.**
22   Q   And if you could turn first to the

55

1   second-to-last page of the document -- I should say
2   the third-to-last page of the document -- there's a
3   document entitled "Verification."
4   **A   Mm-hmm.**
5   Q   Take a look at the second-to-last page.
6   There's -- there's a paragraph in here that says the
7   undersigned has -- it says the undersigned has read
8   the contents of Lawson's responses to plaintiff's
9   interrogatories. There's three different paragraphs
10   with different numbered interrogatories, dated
11   October 9th, and knows the content, and I won't read
12   the entire thing, but knows that the content of this
13   information is true, and various people at Lawson
14   have signed these paragraphs representing that on
15   behalf of Lawson the responses Lawson has provided
16   are to the best of their information true and
17   accurate.
18   So I'll represent to you that this is a
19   document we received from Lawson during the course
20   of this litigation, and I want to ask you about a
21   particular portion of the document. If you could
22   turn to page 20, you see there's a subheading there.

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1   It says Interrogatory Number 14.
2   All right. Take a moment to read that
3   interrogatory number 14.
4   Now, Lawson has responded to this request
5   for information, and, for the record, interrogatory
6   14 seeks an identification of each system, software
7   application, product, and/or service imported, made,
8   offered for sale, sold, licensed, or otherwise
9   distributed by Lawson that has one of more of the
10   following features, functions, or capabilities, A,
11   conducting a search for an item in a product catalog
12   or product database; B --
13   **A   I'm sorry. Where are you at?**
14   Q   -- I'm reading the interrogatory right now,
15   B, creating a requisition for an item; C, generating
16   a purchase order for an item; D, determining the
17   availability of an item in an inventory; and, E,
18   comparing one or more attributes of an item
19   available from a first source, supplier or vendor,
20   to an item available from a second source, supplier
21   or vendor.
22   If you take a look at page 21 and the